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**From:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]  
**Sent:** 9/1/2020 1:56:49 PM  
**To:** Wade, Alexis [Wade.Alexis@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Subject:** FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals  
**Attachments:** Transmittal to Region 4 RA - Final ESA Memo - 08.27.2020 Signed.pdf; Final Memorandum - ESA 7(a)(2) Consultation for State and Tribal CWA 404 Program Approvals - 08.27.2020 Signed.pdf

Fyi – please see Leif’s note to Jim Payne below possibly putting folks on the agenda for orc call next month. It’s wednesday October 14<sup>th</sup> at 4. You may want to keep that open (there would be other thingson agenda if happened).

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

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**From:** Palmer, Leif <Palmer.Leif@epa.gov>  
**Sent:** Tuesday, September 1, 2020 8:40 AM  
**To:** Payne, James <payne.james@epa.gov>  
**Cc:** Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>  
**Subject:** FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Hi Jim – I sent the attached to the RC’s last week. I’d like to put this on the agenda for a monthly OGC/RC call in the next month or so and have Simma and perhaps Tod give an overview of the ESA memo for the RCs. Since this was issued I’ve had two state General Counsels ask about the assumption process and I think other RCs may also receive inquiries about it. I don’t believe there is a particular urgency and thus can wait until after the end of the FY.

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**From:** Palmer, Leif  
**Sent:** Friday, August 28, 2020 9:02 AM  
**To:** Regional Counsels and Deputies <[Regional\\_Counsels\\_and\\_Deputies@epa.gov](mailto:Regional_Counsels_and_Deputies@epa.gov)>  
**Subject:** FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Hello everyone – Please see the attached transmittal and memorandum from David Ross concluding that Region 4 should initiate ESA consultation as part of Florida’s request to assume the CWA 404 program. If you have any questions about this or the process, please let me know.

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**From:** Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)> **On Behalf Of** Ross, David P  
**Sent:** Thursday, August 27, 2020 4:23 PM  
**To:** Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>

**Cc:** Gettle, Jeaneanne <[Gettle.Jeaneanne@epa.gov](mailto:Gettle.Jeaneanne@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Connors, Sandra <[Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)>; Santell, Stephanie <[Santell.Stephanie@epa.gov](mailto:Santell.Stephanie@epa.gov)>; Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>

**Subject:** Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Mary,

Please see the attached transmittal letter and memorandum on consultation requirements under the Endangered Species Act for state and tribal Clean Water Act Section 404 program approvals. Because we have determined that EPA's potential approval of the State of Florida's August 20, 2020 request to assume administration of the CWA Section 404 program may affect ESA-listed species or designated critical habitat, please initiate ESA Section 7 formal consultation with our federal partners as part of your review of Florida's application.

Regards,  
Dave

David P. Ross  
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U.S. Environmental Protection Agency  
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